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| 09/600,860      | 10/11/2000  | Flavio Borgna        | 194112US6PCT        | 5550             |

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3636

DATE MAILED: 01/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/600,860

Applicant(s)  
BORGNA

Examiner  
James O. Hansen

Art Unit  
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 5, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-50 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Oct 11, 2000 is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Apr 30, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 18 20) ☐ Other:

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## DETAILED ACTION

### *Information Disclosure Statement*

1. It is noted that the EPO publication 582,780 listed on the I.D.S filed November 5, 2001 has been previously considered and listed on the examiner's PTO-892 (paper #8).

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "buffer strip" [claim 43] and the "grip" [claim 44] must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. backrest 22, 23 ✓

### *Specification*

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification lacks proper antecedent basis for the terminology of "internal <sup>OK</sup>relief" [claims 32, 39 & 49 - the claim language should be changed to "internal projection"]; the terminology of "one buffer strip" [claim 43]; and the terminology of "one grip" [claim 44].

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 32, 33-45/32, 36-45/29, 39-40, 45, 49 & 50/49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 32, the phrase "support panel via at least one internal relief allowing the at least one of the plurality of coverpiece" is unclear and confusing as presently defined since the claim previously defines "a plurality of coverpieces comprising at least one cornerpiece" and there is no positive interconnection of the "relief" to the shelf [as such, the examiner suggests the following: --support panel via at least one internal projection located on the at least one cornerpiece, thereby allowing the at least one cornerpiece of the plurality of coverpieces to be...--]. Claim 39 is deemed unclear and confusing for the reasons as defined in the rejection to claim 32 above. Claims 36-45/29 are deemed indefinite since the phrase "the plurality of coverpieces" does not have proper antecedent basis [no basis in base claim 29]. In Claim 40, the phrase "at least one assembling mean" is unclear and confusing as presently recited [the examiner suggests: --an assembling means for assembling with a chassis of an item of furniture or is configured to receive the assembling means--]. In Claim 45, the phrase "at least one attaching mean" is unclear and confusing as presently recited [the examiner suggests: --an attaching means for attaching an additional element or is configured to receive the attaching means--]. Claim 49 is deemed unclear and confusing for the reasons as defined in the rejection to

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claim 32 above. Consequently, claims 33-45/32 are rendered indefinite because they are dependent upon a rejected claim [base claim 32]. ✓

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 29-31, 33/29-31, 34/30-31, 35/30-31, 36/29-31, 37/29-31, 38/29-31, 40/29-31, 41/29-31, 42/29-31, 43/29-31, 44/29-31 & 45/29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickford. Bickford (figures 1-7) teaches of a "shelf" (see fig. 2) comprising: at least one support panel (13) inherently formed of at least one sheet of glass or plastic [the panel is defined as being transparent], the panel having a plurality of corners; and a plurality of cornerpieces/coverpieces (11, 12) each positioned to cover one of the plurality of corners of the support panel and a part of one side of the panel, wherein the plurality of cornerpieces/coverpieces cover the entire periphery of the support panel when assembled and at least one of the plurality of coverpieces is adapted to slide in another one of the plurality of coverpieces so as to form a telescopic set of coverpieces. As to claim 33, the plurality of cornerpieces/coverpieces comprise plastic as evident in the cross-hatching [depicted in fig. 3 for example]. As to claim 40, at least one of the plurality of cornerpieces/coverpieces includes at least an assembling means (56 for example) that is capable of assembling with an item of

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furniture. As to claim 41, at least one of the plurality of cornerpieces/coverpieces includes at least one stiffening fin (32 for example). As to claim 42, at least one of the plurality of cornerpieces/coverpieces includes at least one rim (34 for example) configured to prevent liquids from running off the shelf (as depicted in figs. 2-3). As to claim 43, at least one of the plurality of cornerpieces/coverpieces includes at least one buffer strip (31 for example) as best understood by the examiner. As to claim 44, at least one of the plurality of cornerpieces/coverpieces includes at least one grip (31 for example) as best understood by the examiner. As to claim 45, at least one of the plurality of cornerpieces/coverpieces includes an attaching means (31 for example) capable of attaching at least one additional element.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 46-48 & 50/46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford. Bickford teaches applicant's inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of manufacturing a shelf. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to construct a

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shelf as prescribed by applicant's method because the normal assembly of Bickford's structure would inherently encompass the steps as set forth.

*Allowable Subject Matter*

10. Claims 32 & 49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

11. Claims 33-45/32, 39/29-31 & 50/49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

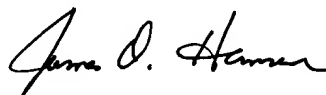
*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ingerdahl, Grant, and Hartman describe adjustable "shelf" structures.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows: **(703) 305-3597 & (703) 305-7687.**

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Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659 or to the unit fax at (703) 308-3691. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
January 25, 2002